(PCL)

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,050	09/14/2000	Gbadegesin Abolade	MS1-652US	8202

22801	7590	04/19/2004

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
PARTON, KEVIN S

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/19/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No. 09/661,050	Applicant(s) ABOLADE, GBADEGESIN
Office Action Summary	**Examiner** Kevin Parton	**Art Unit** 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 02/05/2004 have been fully considered but they are not

persuasive. Please see the following reasons and the grounds of rejection restated below.

2.   The applicant first defines a portion of the invention by describing the difference between

kernel mode and user mode. Specifically, "User-mode processes/data, such as...application

code/data, is separate from kernel-mode processes/data...Kernel-mode processes/data is

privileged and includes, for example, the operating system executive code and system data"

(page 14, paragraph 4). The applicant goes on to argue that in the rejected independent claims,

the references used fail to "identify or otherwise even come close to realizing that a user-side

portion of a network server logic can selective specify at least one network from which the user

side portion would accept client device information and that a kernel-side portion of the network

server logic could be configured to accept the client device information" (page 15, paragraph 4).

The argument is not persuasive because the Nagaoka et al. (USPN 6,574,656) reference does

teach these limitations even when the applicant's definition of kernel side is accepted.

Specifically, in column 7, lines 43-56, Nagaoka et al. (USPN 6,574,656) describes the method

for users to define from which networks client information is to be accepted. In column 8, lines

46-55, Nagaoka et al. (USPN 6,574,656) explain the kernel side process of accepting or denying

client information from those specified networks. This is a kernel mode process because it is

privileged and once the user enters the network information, the acceptance process is carried out

with no user-side interaction.

3.   All further arguments are not persuasive for the same reasons shown above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1, 2, 4-6, 8-11, 13, 14, 16-18, 20-23, 25-27, 29-31, and 33-36 are rejected under

35 U.S.C. 103(a) as being unpatentable over Nagaoka et al. (USPN 6,574,656) in view of the

Microsoft Press Computer Dictionary (1997).

6.   Regarding claims 1, 13, and 26, Nagaoka et al. (USPN 6,574,656) teach a system for

controlling access to a server device by at least one client device that is operatively coupled to

the server device through at least one interconnecting network with means for:

       a.   Causing a user-side portion of a network server logic within the server device

          to selectively specify at least one group from which the user-side portion

          would accept client device information (column 7, lines 43-48, 50-56). (Note

          that in the reference, the groups with access to certain commands are defined.)

       b.   Causing a kernel-side portion of the network server logic to accept the client

          device information only if the client device information has been provided via

          the specified group (column 8, lines 46-55).

Although the system disclosed by Nagaoka et al. (USPN 6,574,656) shows substantial

features of the claimed invention, it fails to disclose means wherein the group is specifically a

network.

However, Nagaoka et al. (USPN 6,574,656) suggest that a group is made up of a plurality

of computers connected by a communications link. It is obvious that this group is a network as

evidenced by the definition stated in the Microsoft Press Computer Dictionary (1997)

The Microsoft Press Computer Dictionary defines a network as "A group of computers

and associated devices that are connected by communications facilities..." (page 327). The

group as defined in Nagaoka et al. (USPN 6,574,656) clearly fits this definition of a network.

Given the teaching of the Microsoft Press Computer Dictionary (1997), a person having

ordinary skill in the art would have readily recognized the desirability and advantages of

modifying Nagaoka et al. (USPN 6,574,656) by referring to the group of computers as a

network. This benefits the system by standardizing the groups and allowing for increased

connectivity with a growing system of new networks.

7.   Regarding claims 2, 14, and 27, Nagaoka et al. (USPN 6,574,656) teach all the

limitations as applied to claims 1, 13, and 26, respectively. They further teach means wherein if

the client device information has not been provided via the specified network, causing the

kernel-side portion to reject the client device information and notify the client device in a manner

that identifies the rejection (column 8, lines 55-63).

8.   Regarding claims 4, 16, and 29, Nagaoka et al. (USPN 6,574,656) teach all the

limitations as applied to claims 1, 13, and 26, respectively. They further teach means for:

        a. Providing a communication socket for use by the kernel-side portion (figure 1,

            communication line for element 300).

    b. Causing the kernel-side portion to compare client device information received

on the communication socket to the specified network (column 8, lines 46-

51).

9.   Regarding claims 5, 17, and 30, Nagaoka et al. (USPN 6,574,656) teach all the

limitations as applied to claims 1, 13, and 26, respectively. They further teach means wherein:

    a. Wherein causing the user-side portion to selectively specify at least one group

from which the user-side portion would accept the client device information,

further includes causing the user-side portion to selectively specify a plurality

of groups from which the user-side portion would accept the client device

information (column 5, lines 62-63; column 7, lines 51-56).

    b. Wherein causing the kernel-side portion to accept the client device

information only if the client device information has been provided via the

specified group, further includes causing the kernel-side portion to accept the

client device information only if the client device information has been

provided via at least one of the specified plurality of groups (column 8, lines

46-50).

Although the system disclosed by Nagaoka et al. (USPN 6,574,656) shows substantial

features of the claimed invention, it fails to disclose means wherein the group is specifically a

network.

However, Nagaoka et al. (USPN 6,574,656) suggest that a group is made up of a plurality

of computers connected by a communications link. It is obvious that this group is a network as

evidenced by the definition stated in the Microsoft Press Computer Dictionary (1997)

The Microsoft Press Computer Dictionary defines a network as "A group of computers and associated devices that are connected by communications facilities…" (page 327). The group as defined in Nagaoka et al. (USPN 6,574,656) clearly fits this definition of a network.

Given the teaching of the Microsoft Press Computer Dictionary (1997), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nagaoka et al. (USPN 6,574,656) by referring to the group of computers as a network. This benefits the system by standardizing the groups and allowing for increased connectivity with a growing system of new networks.

10.   Regarding claims 6, 18, and 31, Nagaoka et al. (USPN 6,574,656) teach all the limitations as applied to claims 1, 13, and 26, respectively. They further teach means wherein causing the user-side portion to selectively specify the at least one network from which the user-side portion would accept the client device information further includes having the user-side portion specify at least one local network interface (figure 1, element 200). Note this is the transmission line used for communications.

11.   Regarding claims 8, 20, and 33, Nagaoka et al. (USPN 6,574,656) teach al the limitations as applied to claims 1, 13, and 26, respectively. They further teach means wherein the network server logic is operatively configured to support at least one client-server based process selected from a group of processes comprising a file-sharing communication process, a TCP-based communication process, a UDP-based communication process, a HTTP-based communication process, a digital media based communication process, a DNS-based communication process, and a database related communication process (figure 1; column 8, lines 46-51). Note that a database is used. Also, any number of different transaction types can take place if authorized.

12.   Regarding claims 9, 21, and 34, Nagaoka et al. (USPN 6,574,656) teach all the limitations as applied to claims 1, 13, and 26, respectively. They further teach means wherein the user-side portion includes an application-programming interface (API) operatively configured to allow an application to specify the at least one network from which the user-side portion would accept the client device information (column 7, lines 42-48).

13.   Regarding claims 10, 22, and 35, Nagaoka et al. (USPN 6,574,656) teach all the limitations as applied to claims 9, 21, and 34, respectively. They further teach means wherein the API is further operatively configured to allow the application to specify a listing of networks from which the user-side portion would accept the client device information (column 7, lines 51-56).

14.   Regarding claims 11, 23, and 36, Nagaoka et al. (USPN 6,574,656) teach all the limitations as applied to claims 10, 22, and 35, respectively. They further teach means wherein the API is further operatively configured to allow the application to selectively modify the listing of networks from which the user-side portion would accept the client device information (column 7, lines 51-56). Note that the allowed groups can be changes at any time.

15.   Regarding claim 25, Nagaoka et al. (USPN 6,574,656) teach a system for communications with means for:

      a. Issuing, by a user-side application, at least one group identifier from which the user-side application would accept client device information (column 7, lines 43-56).

      b. Receiving, by a user-side portion of a network server process, the at least one group identifier (column 7, lines 43-56)

    c. Issuing, by the user-side portion, the at least one group identifier (column 7,

lines 43-56).

    d. Receiving, by a kernel-side portion of a network server process, the at least

one group identifier (column 8, lines 46-50).

Although the system disclosed by Nagaoka et al. (USPN 6,574,656) shows substantial

features of the claimed invention, it fails to disclose means wherein the group is specifically a

network.

However, Nagaoka et al. (USPN 6,574,656) suggest that a group is made up of a plurality

of computers connected by a communications link. It is obvious that this group is a network as

evidenced by the definition stated in the Microsoft Press Computer Dictionary (1997)

The Microsoft Press Computer Dictionary defines a network as "A group of computers

and associated devices that are connected by communications facilities..." (page 327). The

group as defined in Nagaoka et al. (USPN 6,574,656) clearly fits this definition of a network.

Given the teaching of the Microsoft Press Computer Dictionary (1997), a person having

ordinary skill in the art would have readily recognized the desirability and advantages of

modifying Nagaoka et al. (USPN 6,574,656) by referring to the group of computers as a

network. This benefits the system by standardizing the groups and allowing for increased

connectivity with a growing system of new networks.

16.   Claims 3, 12, 15, 24, 28, and 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer

Dictionary as applied to claim 2 above, and further in view of Comay et al. (USPN 6,363,489).

17.   Regarding claims 3, 15, and 28, although the system disclosed by Nagaoka et al. (USPN

6,574,656) and the Microsoft Press Computer Dictionary (as applied to claims 2, 14, and 27,

respectively) shows substantial features of the claimed invention, it fails to disclose means

wherein the kernel-side portion notifies the client device using at least one message selected

from a group of messages comprising a TCP reset message and an ICMP destination unreachable

message, as applicable.

        Nonetheless, these features are well known in the art and it would have been an obvious

modification of the system disclosed by Nagaoka et al. (USPN 6,574,656) and the Microsoft

Press Computer Dictionary, as evidenced by Comay et al. (USPN 6,363,489).

        In an analogous art, Comay et al. (USPN 6,363,489) disclose a system for rejection of

unauthorized access wherein client device is notified using at least one message selected from a

group of messages comprising a TCP reset message and an ICMP destination unreachable

message, as applicable (column 7, lines 29-37). Note that a TCP reset message is sent.

        Given the teaching of Comay et al. (USPN 6,363,489), a person having ordinary skill in

the art would have readily recognized the desirability and advantages of modifying Nagaoka et

al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary by employing the use of a

TCP reset message to notify rejected client requests. This is a common message used in the art

and benefits the system by providing a user with insight as to why the request was rejected (i.e.

not authorized as opposed to the server not being in operation).

18.   Regarding claims 12, 24, and 37, although the system disclosed by Nagaoka et al. (USPN

6,574,656) and the Microsoft Press Computer Dictionary (as applied to claims 1, 13, and 26,

respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the kernel-side portion includes a TCP/IP driver.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary, as evidenced by Comay et al. (USPN 6,363,489).

In an analogous art, Comay et al. (USPN 6,363,489) disclose a system for rejection of unauthorized access wherein the kernel-side portion includes a TCP/IP driver (column 7, lines 29-37). Note that TCP/IP is used for communication.

Given the teaching of Comay et al. (USPN 6,363,489), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary by employing the use of a TCP/IP driver on the kernel side. This is a common protocol used in internetwork communications and benefits the system by allowing for interoperability with a maximum number of other networks without integrating new protocols.

19.   Claims 7, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary as applied to claim 1 above, and further in view of Skopp et al. (USPN 6,256,739).

20.   Regarding claims 7, 19, and 32, although the system disclosed by Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary (as applied to claims 1, 13, and 26, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein causing the user-side portion to selectively specify the at least one network from which

the user-side portion would accept the client device information further includes having the user-side portion specify at least one IP address.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary, as evidenced by Skopp et al. (USPN 6,256,739).

In an analogous art, Skopp et al. (USPN 6,256,739) disclose a system for limiting access to network resources wherein causing the user-side portion to selectively specify the at least one network from which the user-side portion would accept the client device information further includes having the user-side portion specify at least one IP address (column 6, lines 10-14; figure 4, element 360).

Given the teaching of Skopp et al. (USPN 6,256,739), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nagaoka et al. (USPN 6,574,656) and the Microsoft Press Computer Dictionary by employing the use of IP addresses to define the groups and operators. This benefits the system because groups can be defined by portions of their IP addresses that will not change.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
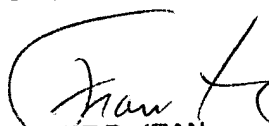
date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The

examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

FRANTZ B. JEAN
PRIMARY EXAMINER

ksp